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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,438	08/20/2003	Michael Eric Liedtke	16-295 D1	7017

7590 03/30/2004  
WATTS HOFFMANN CO., L.P.A.  
P.O. Box 99839  
Cleveland, OH 44199-0839

EXAMINER

TA, THO DAC

ART UNIT PAPER NUMBER

2833

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/644,438	LIEDTKE, MICHAEL ERIC	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tho D. Ta	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

This application is a division of Application/Control Number 10/319,095, filed on 12/13/02, now U.S. Patent 6,655,975.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 22, 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22, the specification and the drawing do not disclose a shroud portion extending from the leg portions; and a pair of wing portions that extend from the shroud portion.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Markwardt (4,444,447).

In regard to claim 21, Markwardt discloses a cover 11 for an electrical assembly, comprising: a plate portion; a pair of wing portions each including a first portion extending away from a surface of the plate portion and a second portion extending

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toward an edge of the plate portion; and, a pair of rectangular tab portions 34 that extend from the wing portions (see attached drawing).

In regard to claim 22, Markwardt discloses a cover 11 for an electrical assembly, comprising: a plate portion; leg portions extending away from a surface of the plate portion; a shroud portion extending from the leg portions; a pair of wing portions that extend from the shroud portion; and, a pair of rectangular tab portions 34 that extend from the wing portions (see attached drawing).

In regard to claim 23, Markwardt discloses a sealant 39 disposed in a space between a wing portion and the plate portion.

In regard to claim 24, Markwardt discloses a sealant 39 disposed in a space between a wing portion and the plate portion.

In regard to claim 25, Markwardt discloses a cover 11 for an electrical assembly, comprising: a plate portion; a wing portion spaced apart from the plate portion; and, a sealant 39 disposed in a space defined between the plate portion and the wing portion (see attached drawing).

In regard to claim 26, Markwardt discloses that a tab portion 34 extending from the wing portion.

In regard to claim 27, Markwardt discloses a cover for an electrical assembly, comprising: a plate portion; a wing portion including a first portion extending away from a surface of the plate portion and a second portion extending toward an edge of the plate portion; and, a tab portion 34 extending from the wing portion (see attached drawing).

In regard to claim 28, Markwardt discloses a sealant 39 disposed in a space between the wing portion and the plate portion.

In regard to claim 29, Markwardt discloses a cover 11 for an electrical assembly, comprising: a plate assembly; a shroud portion extending from the plate portion; a wing portion extending from the shroud portion; and, a tab portion 34 extending from the wing portion (see attached drawing).

In regard to claim 30, Markwardt discloses a sealant 39 disposed in a space between the wing portion and the plate portion.

5. Claim 27, 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Buck et al. (5,637,002).

In regard to claim 27, Buck et al. discloses a cover for an electrical assembly, comprising: a plate portion 240; a wing portion including a first portion 200 extending

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away from a surface of the plate portion 240 and a second portion 231 extending toward an edge of the plate portion 240; and, a tab portion 210 extending from the wing portion.

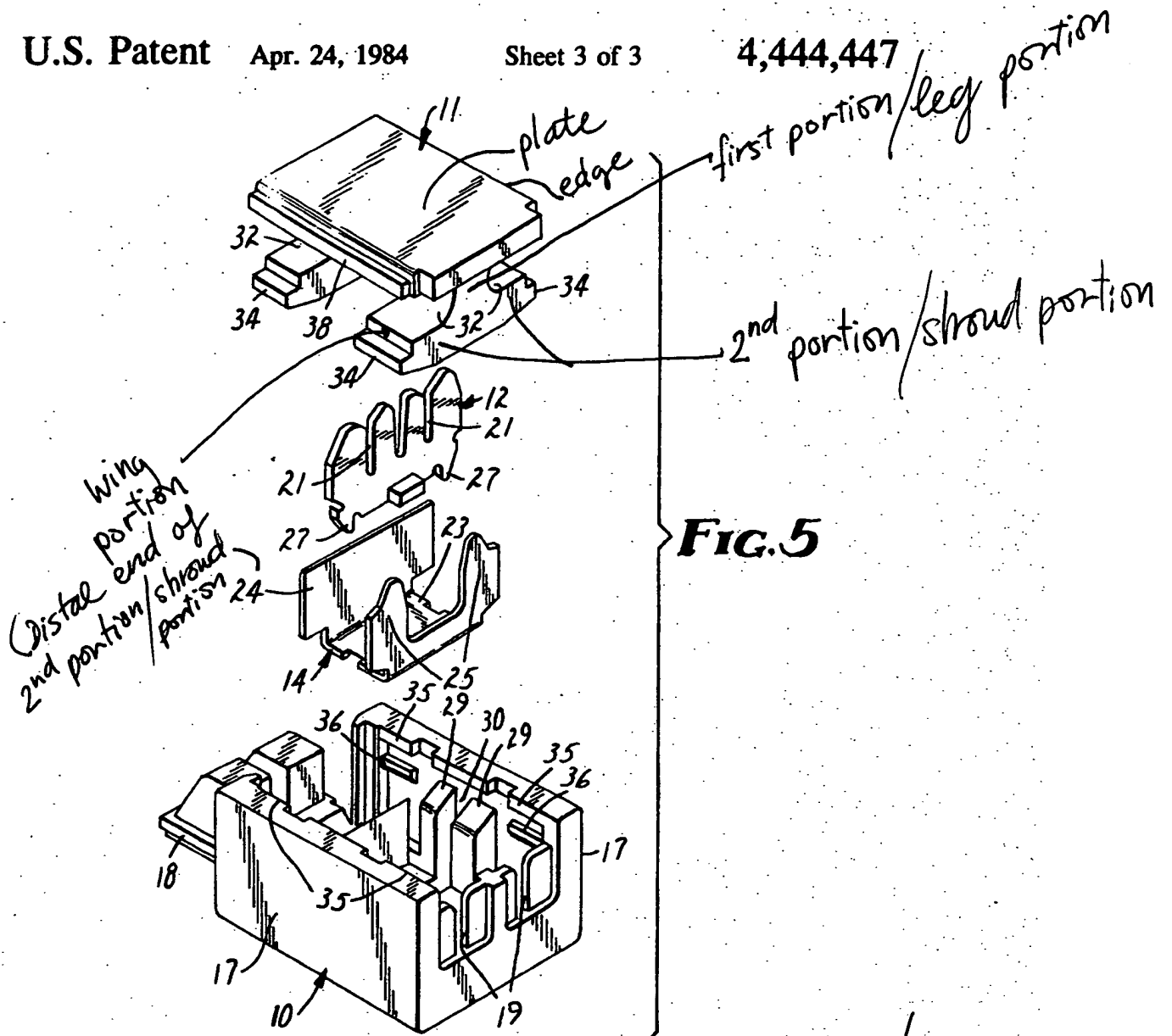
In regard to claim 29, Buck et al. discloses a cover for an electrical assembly, comprising: a plate assembly 240; a shroud portion 200 extending from the plate portion 240; a wing portion 231 extending from the shroud portion 240; and, a tab portion 210 extending from the wing portion 231.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho D. Ta whose telephone number is (571) 272-2014. The examiner can normally be reached on M-F (8:00-5:30). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tdt  
03/25/04

  
**THO D. TA**  
**PRIMARY EXAMINER**



10/644,438